

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:)	
Chevron U.S.A. Products Company)	MODEL
CC Cole and Sons, Inc.)	AGREED ORDER
Covich-Williams Company, Inc.)	No. DE 03TCPSR-5707

TO: Mr. Brett L. Hunter
Chevron Products Co.
A ChevronTexaco Company
P.O. Box 6004
6001 Bollinger Canyon Road, Room L4064
San Ramon, CA 94583-2324

Mr. Robert Cole
CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company
P.O. Box 536
Shelton, WA 98584-0536

Mr. Bob Hindman
Covich-Williams Company, Inc.
P.O. Box 17913
Seattle, WA 98107-1913

I.
Jurisdiction

This Agreed Order (Order) is issued pursuant to the authority of Revised Code of Washington (RCW) 70.105D.050(1).

II.
Findings of Fact

The Department of Ecology (Ecology) makes the following Findings of Fact, without admission of such facts by the Chevron Products Company (Chevron), CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc.

1. The current C.C. Cole and Sons, Inc., D.B.A. Evergreen Fuel Company (the former Chevron bulk fuel facility) facility is located at 661 East Pine Street, Shelton, Washington 98584. The current bulk fuel facility is bounded to the north by State Route 3, to the east and south by Shelton Yacht Club and Oakland Bay, and to the west by Simpson Timber Company property.

2. On February 4, 2003, Ecology Water Quality Inspector, Marilou Pivrotto, conducted a site visit of the CC Cole and Sons Facility as requested by Ecology's Spill Response Program due to petroleum leaking into Oakland Bay from the site oil/water separator. Due to documented releases of petroleum to soils and waters-of-the-state Best Management Practices were recommended to Mr. Bob Cole.
3. On March 12, 2003, Ecology received a report (Ecology Environmental Report Tracking System number 532408) originating from the Washington State Patrol of a 2500 to 6000 gallons of fuel was released and is entering Oakland Bay. Ecology also received a National Response Center Flash Fax reporting a 100-gallon release of fuel oil into Oakland Bay.
4. On March 12, 2003, Ecology Spill Responder, John Hanson, arrived on scene at CC Cole & Sons to investigate the reported fuel oil spill to Oakland Bay. Hanson was briefed by Lt. Sobotka from Shelton Fire Department concerning the release. Hanson was informed that a fuel delivery truck owned by Covich-Williams Company, Inc., was off loading #2 diesel to a 27,000 gallon above ground storage tank when the tank over filled. The diesel spilled within the containment area (which has a porous soil floor/bottom) and also splashed over the containment wall and ran into waters of the state and down the side of the tank into the containment area. Lt. Sobotka estimated 50 to 70 gallons of number 2 diesel had been released to Oakland Bay and that a total of 300 to 400 gallons of fuel oil had been released to the environment.
5. Hanson was informed by CC Cole & Sons (Robert Cole) that the tank gage was broken, that they used a measuring stick to find the quantity in the tanks, and that the tank was overfilled because they had measured the existing volume in the tank incorrectly.

6. On April 7, 2003, Ecology received a report (Ecology Environmental Report Tracking System number 532923) originating from Mason County reporting an unidentified sheen on Oakland Bay near the boat launch. Ecology Spill Responder, Mike Osweiler, responded to the incident and met with Kim Lincoln of Mason County at the boat haul-out adjacent to the storage tank farm operated by C.C. Cole & Sons, Inc (Evergreen Fuel Company). Osweiler observed a groundwater seep with a rainbow sheen flowing from beneath CC Cole and Sons bulk fuel oil tank farm's concrete containment system and towards Oakland Bay. Osweiler noted a strong odor of diesel in the area of this seep, a rainbow sheen on top of the discharge, and a red stain (possibility iron oxide caused by the release of petroleum products to the environment generating a reducing environment) originating from the seep.
7. Osweiler then went to the Evergreen Fuel Company office and spoke with Ms. Buchanan and Mr. Robert Cole regarding this sheen. The spill that occurred on March 12, 2003, was discussed as the apparent cause of the sheen.
8. Ecology Spill Responder, Andrea Unger, responded to CC Cole and Sons on April 14, 2003, to again inspect the sheen originating from beneath CC Cole and Sons' bulk fuel oil tank farm's concrete containment system. Unger observed a continued release of a petroleum sheen originating from the containment system and flowing into Oakland Bay causing a visible sheen in the waterway.
9. On April 23, 2003, Osweiler returned to CC Cole and Sons with Robert Warren, a Unit Manager in Ecology's Southwest Regional Office of the Toxics Cleanup Program, to inspect the sheen originating from beneath CC Cole and Sons' bulk fuel oil tank farm's concrete containment

system. Osweiler and Warren observed a continued release of a petroleum sheen originating from the containment system and flowing into Oakland Bay.

10. On April 28, 2003, Ecology conducted an Initial Investigation at C.C. Cole and Sons - Parcel # P 320175102006, 661 East Pine Street Shelton, Washington 98584 documenting a release or threatened release of hazardous substances to site soils.
11. A 1998 Phase II Site Investigation Report (undated) written by Tom Langseth (registered and licensed with Washington State Department of Ecology to perform the site assessment of UST petroleum releases as required by WAC 173-360-600) for Evergreen Fuel Facility, located at 661 East Pine Shelton, Washington 98584, documents historical release(s) or threatened release of hazardous substances to site soils. A groundwater investigation was not conducted as part of this Site Investigation.
12. A 1923 Sanborn Map for Shelton, Mason County, Washington documents Standard Oil Company's (ChevronTexaco) operation of the facility, including the use of the docks that extend over Oakland Bay, all which were located at the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, 661 East Pine Street Shelton, Washington 98584.
13. On July 9, 1973, Ecology conducted a Bulk Handling Facility Inspection at the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, 661 East Pine Street, Shelton, Washington 98584, documenting a release or threatened release of hazardous substances to site soils.

14. On March 11, 1975, Ecology conducted a Bulk Handling Facility Inspection at the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, 661 East Pine Street, Shelton, Washington 98584, documenting a release or threatened release of hazardous substances to site soils.
15. On September 24, 1976, Ecology conducted a Bulk Handling Facility Inspection at the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, 661 East Pine Street, Shelton, Washington 98584, documenting a release or threatened release of hazardous substances to site soils.
16. On January 18, 1978, Ecology conducted a Bulk Handling Facility Inspection at the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, 661 East Pine Street, Shelton, Washington 98584, documenting a release or threatened release of hazardous substances to site soils.
17. On July 14, 2003, Ecology issued a "Notice of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to (business owners Robert Cole) CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company. On June 6, 2003, Ecology received a letter from Mr. Ian Rodihan, legal counsel for CC Cole and Sons, accepting status for CC Cole and Sons as a Potentially Liable Person for the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, located at 661 East Pine Street, Shelton, Washington 98584. On June 19, 2003, Ecology issued a "Determination of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to CC Cole and Sons.

18. On May 21, 2003, Ecology issued a "Notice of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to (Mr. Bob Hindman) Covich-Williams Company, Inc. On June 6, 2003, Ecology received a letter dated June 5, 2003, from Mr. Robert Hindman Operations Manager for Covich-Williams Company, Inc. disputing their status as a Potential Liable Person for the Release of Hazardous Substances Under the Model Toxics Control Act" at the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, 661 East Pine Street, Shelton, Washington 98584. On June 19, 2003, Ecology issued a "Determination of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to Covich-Williams Company, Inc. for the Release of Hazardous Substances Under the Model Toxics Control Act" at the facility currently known as C.C. Cole and Sons, D.B.A. Evergreen Fuel Company, 661 East Pine Street, Shelton, Washington 98584.
19. In response to Ecology inquiry regarding this site, Chevron conducted a review of their historical documentation available in their files. The information available in their files was reported to be limited to a ground plan dated December 1953 with subsequent revisions noted through May 1973. The ground plan shows the Chevron Facility occupying property at the east end of Pine Street adjacent to Oakland Cove with an associated pier and loading dock. A property schedule appearing on the ground plan indicated the property was purchased by SOCAL in 1913. The associated pier and loading dock were leased from the City of Shelton in 1913. Also included in Chevron's historical files were the purchase and sales agreement and deed of trust documenting the sale of land and improvements to CC Cole and Sons, Inc. in May 1980.
20. The following Department of Transportation aerial photos includes:
 - A July 30, 1992, aerial photo documents the facility warehouse, office building, overhead tanker truck fueling station, dock facilities, three (3) above ground storage tanks on the west

side of Highway 3 and five (5) above ground storage tanks (with sidewall containment) on the east side of Highway 3.

- An April 27, 1987, aerial photo documents the facility warehouse, office building, overhead tanker truck fueling station, dock facilities, three (3) above ground storage tanks on the west side of Highway 3 and four (4) above ground storage tanks (with sidewall containment) on the east side of Highway 3.
- An May 28, 1981, aerial photo documents the facility warehouse, office building, overhead tanker truck fueling station, dock facilities, three (3) above ground storage tanks on the west side of Highway 3 and four (4) above ground storage tanks (with sidewall containment) on the east side of Highway 3.
- A July 25, 1976, aerial photo documents the facility warehouse, office building, overhead tanker truck fueling station, dock facilities, seven (7) above ground storage tanks on the west side of Highway 3 and four (4) above ground storage tanks (with sidewall containment) on the east side of Highway 3.
- A November 22, 1965, aerial photo documents the facility warehouse, office building, overhead tanker truck fueling station, dock facilities, seven (7) above ground storage tanks on the west side of Highway 3 and four (4) above ground storage tanks on the east side of Highway 3.
- An August 5, 1955, aerial photo documents the facility warehouse, office building, overhead tanker truck fueling station, dock facilities, seven above ground storage tanks on the west side of Highway 3 and four above ground storage tanks on the east side of Highway 3.

21. On June 19, 2003, pursuant to WAC 173-340-500(5), Chevron waived its right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accepted status as a Potentially Liable Person. By waiving this right, Chevron makes no admission of liability.

III.
Ecology Determinations

1. Chevron was an "owner or operator" as defined at RCW 70.105D.020(11) of a "facility" as defined in RCW 70.105D.020(4). CC Cole and Sons, Inc., is the current "owner or operator" as defined at RCW 70.105D.020(11) of a "facility" as defined in RCW 70.105D.020(4).
2. The facility, which consists of approximately one acre of property, is known as the former Chevron Site, and is located at 661 East Pine Street, Shelton, Washington 98584.
3. The substances found at the site as described above are "hazardous substances" as defined at RCW 70.105D.020(7).
4. Based on the presence of these hazardous substances at the site and all factors known to Ecology, there is a release or threatened release of hazardous substances from the site, as defined at RCW 70.105D.020(19).
5. By a letter of June 19, 2003, Chevron voluntarily waived its rights to notice and comment and accepted Ecology's determination that Chevron is a "potentially liable person" under RCW 70.105D.040.
6. Pursuant to RCW 70.105D.030(1) and 70.105D.050, Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.
7. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

IV.
Work to be Performed

Based on the foregoing Facts and Determinations, it is hereby ordered that Chevron U.S.A. Inc. (Chevron), CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc., take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 Washington Administrative Code (WAC) unless otherwise specifically provided for herein.

1. Within sixty (60) days of the effective date of this Order, Chevron U.S.A. Inc. (Chevron), CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc., shall submit to Ecology for review and approval a draft remedial investigation (RI) work plan as outlined in WAC 173-340-350 which includes, but is not limited to, a terrestrial ecological evaluation, determining the nature and extent of site soils contamination, potential groundwater contamination, potential sediment contamination within and along Oakland Bay, and providing steps to initiate interim actions as provided in WAC 173-340-350. The work plan shall also include a:

- draft sampling and analysis plan, which includes quality assurance/quality control activities prepared per the requirements of WAC 173-340-820. Proposed analytical procedures shall be in accordance with WAC 173-340-830.
- draft health and safety plan. All work performed at the site shall be in accordance with the provisions specified in WAC 173-340-810(1). A health and safety plan shall be prepared per WAC 173-340-810 (2). Although the health and safety plan must be submitted to Ecology for review and comment, Ecology does not have authority to approve the plan.

Ecology's comments on the draft work plan shall be incorporated into the final work plan, which shall be submitted to Ecology within thirty (30) days of receipt of such comments. The implementation of the final RI work plan shall be in accordance with the schedule approved in the Final RI Work Plan or as modified, in writing, with the agreement of all parties.

2. The work plan shall provide a process to determine the nature and extent of contamination and potential contamination of sediments within and along Oakland Bay, site soils, and groundwater both on-site and off-site. The work plan shall include steps to assess seasonal variation in the groundwater contamination levels and groundwater flow direction. This shall include monthly measurements of water levels in effected aquifers for a minimum of one (1) year. Ecology may review the frequency of water level measurements at its discretion or at the request of Chevron, CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc.

If groundwater contamination is detected the work plan shall focus and schedule the site investigation work such that interim measures can be designed and implemented to stop the migration of contaminated groundwater off-site as soon as possible. The work plan shall provide for other interim actions, which can correct problems, which may become substantially worse or cost substantially more if action is delayed. An example of such an interim action would be removal of contaminated soils before they contaminate larger areas, as provided in WAC 173-340-430. The work plan shall include a schedule for all activities and for submittal of a final remedial investigation report.

3. The RI work plan shall describe analytical methods, parameters and detection limits, in addition to all quality assurance/quality control details needed as described in the most recent publication *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)*.

4. All sediment sampling and analysis shall follow methodologies described in the Draft Sediment Sampling and Analysis Plan Appendix (Ecology 1995) and recommended Guidelines for Conducting Laboratory Bioassays on Puget Sound Sediment (PSEP 1995).

5. Within ninety (90) days of receiving all analytical data, submit to Ecology for review a draft remedial investigation report. Ecology's comment on the draft report shall be incorporated into a Final Remedial Investigation Report within thirty (30) days of the comments.

6. Within sixty (60) days of the approval of the remedial investigation report, Chevron, CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc. will be required to submit a work plan for a feasibility study (FS), per the requirements of Chapter 173-340 WAC. Upon approval by Ecology of the FS work plan, the FS shall be performed and a FS report will be submitted for Ecology's review and approval. Ecology's comment on the draft FS report shall be incorporated into a Final FS Report within thirty (30) days of the comments.

7. Sixty (60) days after completion and approval of the FS, Chevron, CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc. shall draft and submit to Ecology a Cleanup Action Plan (CAP) to satisfy the requirements of WAC 173-340-400.

8. After public review and comment, the draft CAP will be finalized by Ecology. Ecology, Chevron, CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc., shall enter into discussions for a consent decree or agreed order as determined by the parties hereto or an enforcement order as determined by Ecology to design, construct, operate, and monitor the selected cleanup.

9. In accordance with WAC 173-340-840(5), environmental sampling data shall be submitted on paper within ten (10) working days of receipt from the laboratory.

10. Once approved, or modified and approved in writing by Ecology, all Ecology-approved submittals are incorporated by reference and become enforceable parts of this Order as if fully set forth herein.

11. Chevron, CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc. shall provide a bi-monthly [every two (2) months] progress report, which will include the following:

- activities that happened in the past two (2) months;
- activities planned for the next two (2) months;
- a written summary of all lab data required by this Order; and
- all lab data required by this Order or requested by Ecology shall be provided in an Ecology-approved electronic format.

This progress report frequency may be revised by Ecology if adequate justification is provided by Chevron, CC Cole and Sons, Inc., D.B.A. Evergreen Fuel Company, and Covich-Williams Company, Inc., or if Ecology provides justification for a change.

V.
Terms and Conditions of Order

1. Definitions: Unless otherwise specified, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms used in this Order.

2. Public Notices: RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order is inadequate or improper in any respect.

3. Remedial Action Costs: Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., and shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall pay the required amount within 90 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs will result in interest charges.

4. Designated Project Coordinators: The project coordinator for Ecology is:

Name	Robert W. Warren, P.Eg., P.Hg., MBA
Telephone	360-407-6361
Email	rwar461@ecy.wa.gov
Address	300 Desmond Drive P.O. Box 47775 Olympia, WA 98504-7775

The project coordinator for Chevron is:

Name	Brett L. Hunter
Telephone	925-842-8695
Email	blhu@chevrontexaco.com
Address	P.O. Box 6004 6001 Bollinger Canyon Rd. Room L4064 San Ramon, CA 94583-2324

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and the PLPs, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the project coordinator(s). Should Ecology or Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., change project coordinator(s), written notification shall be provided to Ecology or Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., at least ten calendar days prior to the change.

5. Performance: All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the site. Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall provide a copy of this Order to all agents, contractors and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

Except where necessary to abate an emergency situation, Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall not perform any remedial actions at Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

WAC 173-340-400(7)(b)(i) requires that "construction" performed on the site must be under the supervision of a professional engineer registered in Washington.

6. Access: Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the site at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by Chevron. By signing this Agreed Order, Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., agrees that this Order constitutes reasonable notice of access, and agrees to allow access to the site at all reasonable times for purposes of overseeing work performed under this Order. Ecology shall allow split or replicate samples to be taken by Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., during an inspection unless doing so interferes with Ecology's sampling. Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall allow split or replicate samples to be taken by Ecology and shall provide seven days notice before any sampling or other field activities.

7. Public Participation: Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall prepare and/or update a public participation plan for the site. Ecology shall maintain the responsibility for public participation at the site. Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall help coordinate and implement public participation for the site.

8. Retention of Records: Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of Chevron, CC Cole and Sons, Inc., Covich-

Williams Company, Inc., agrees to include in their contract with such contractors or agents a record retention requirement meeting the terms of this paragraph.

9. Dispute Resolution: Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., may request Ecology to resolve disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory, or his/her successor(s), to this Order. Ecology resolution of the dispute shall be binding and final. Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

10. Reservation of Rights/No Settlement: This Agreed Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority. Ecology will not, however, bring an action against Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., to recover remedial action costs paid to and received by Ecology under this Agreed Order. In addition, Ecology will not take additional enforcement actions against Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., to require those remedial actions required by this Agreed Order, provided Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., complies with this Agreed Order.

Ecology reserves the right, however, to require additional remedial actions at the site should it deem such actions necessary.

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the releases or threatened releases of hazardous substances from Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc.

In the event Ecology determines that conditions at the site are creating or have the potential to create a danger to the health or welfare of the people on the site or in the surrounding area or to the environment, Ecology may order Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property: No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the site shall be consummated by CC Cole and Sons, Inc., without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest CC Cole and Sons Inc. may have in the site or any portions thereof, CC Cole and Sons, Inc., shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least 30 days prior to finalization of any transfer, CC Cole and Sons, Inc., shall notify Ecology of the contemplated transfer.

12. Compliance with Other Applicable Laws: All actions carried out by Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements.

VI.
Satisfaction of this Order

The provisions of this Order shall be deemed satisfied upon Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., receipt of written notification from Ecology that Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., has completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Agreed Order have been complied with.

VII.
Enforcement


Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

- A. The Attorney General may bring an action to enforce this Order in a state or federal court.
- B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the site.
- C. In the event Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., refuses, without sufficient cause, to comply with any term of this Order, Chevron, CC Cole and Sons, Inc., Covich-Williams Company, Inc., will be liable for:
 - (1) up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and
 - (2) civil penalties of up to \$25,000 per day for each day it refuses to comply.

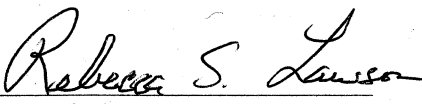
D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under Section 6 of Chapter 70.105D RCW.

Effective date of this Order: April 2, 2004

CHEVRON U.S.A. Inc.

By 
Mark G. Winston
Assistant Secretary

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By 
Rebecca S. Lawson, P.E.
Section Manager
Toxics Cleanup Program
Southwest Regional Office

By _____
Robert Cole
CC Cole and Sons, Inc., Owner

By _____
Bob Hindman
Covich-Williams Company, Inc.

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